

HOUSE OF REPRESENTATIVES
Roll Call
NATURAL RESOURCES COMMITTEE

DATE: 3-28-07


<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. WALTER MCNUTT, CHAIR	✓	
REP. RALPH HEINERT, VICE CHAIR		✓
REP. RON ERICKSON, VICE CHAIR	✓	
REP. DUANE ANKNEY	✓	
REP. DEBBY BARRETT	✓	
REP. JILL COHENOUR	✓	
REP. SUE DICKENSON	✓	
REP. BETSY HANDS	✓	
REP. GORDON HENDRICK	✓	
REP. CAROL LAMBERT	✓	
REP. SCOTT MENDENHALL	✓	
REP. JP POMNICHOWSKI	✓	
REP. JOHN ROSS	✓	
REP. VERONICA SMALL-EASTMAN	✓	
REP. KENDALL VAN DYK	✓	
REP. CHAS VINCENT	✓	

COMMITTEE FILE COPY

TABLED BILL

The **HOUSE NATURAL RESOURCES COMMITTEE** TABLED **HB 754**, by motion, on **Wednesday,**
March 28, 2007.


(For the Committee)


(Chief Clerk of the House)

7:00 / 3/29
(Time) (Date)

March 29, 2007

Nancy Kraft, Secretary

Phone: 444-7353



HOUSE STANDING COMMITTEE REPORT

March 31, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **Senate Bill 370** (third reading copy -- blue) **be concurred in.**

Signed: *Walter McNutt* Chair
Representative Walter McNutt, Chair

To be carried by Representative John (Jack) Ross

- END -

Committee Vote:

Yes 16, No 0

Fiscal Note Required ____

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John
3/31/07



HOUSE STANDING COMMITTEE REPORT

March 29, 2007

Page 1 of 5

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **Senate Bill 51** (third reading copy - blue) be concurred in as amended.

Signed: *Walter McNutt*
Representative Walter McNutt, Chair

To be carried by Representative Sue Dickenson

And, that such amendments read:

1. Title, line 12.

Following: "REGULATIONS,"

Insert: "REQUIRING SUBDIVISION REGULATIONS TO IDENTIFY AREAS UNSUITABLE FOR DEVELOPMENT UNLESS CERTAIN MITIGATION MEASURES ARE TAKEN, INCLUDING USE OF CONSTRUCTION TECHNIQUES PROVIDED IN DEPARTMENT OF LABOR AND INDUSTRY ADMINISTRATIVE RULES; PROHIBITING A GOVERNING BODY FROM INCLUDING CERTAIN BUILDING REGULATIONS IN SUBDIVISION REGULATIONS; REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO ADOPT RULES THAT IDENTIFY CONSTRUCTION TECHNIQUES TO MITIGATE FIRE HAZARDS;"

2. Title, line 16.

Following: "76-3-504,"

Insert: "76-3-504,"

3. Page 7, following line 27.

Insert: "Section 3. Section 76-3-504, MCA, is amended to read:

"76-3-504. Subdivision regulations -- contents. (1) The subdivision regulations adopted under this chapter must, at a minimum:

(a) list the materials that must be included in a subdivision application in order for the application to be determined to contain the required elements for the purposes of the review required in 76-3-604(1);

(b) except as provided in 76-3-210, 76-3-509, or 76-3-609, require the subdivider to submit to the governing body an

Committee Vote:

Yes 16, No 0

Fiscal Note Required ____

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3/29/07

environmental assessment as prescribed in 76-3-603;

(c) establish procedures consistent with this chapter for the submission and review of subdivision applications and amended applications;

(d) prescribe the form and contents of preliminary plats and the documents to accompany final plats;

(e) provide for the identification of areas that, because of natural or human-caused hazards, are unsuitable for subdivision development, and The regulations must prohibit subdivisions in these areas unless the hazards can be eliminated or overcome by approved construction techniques; or other mitigation measures authorized under 76-3-608(4) and (5). Approved construction techniques or other mitigation measures may not include building regulations as defined in 50-60-101 other than those identified by the department of labor and industry as provided in [section 5].

(f) prohibit subdivisions for building purposes in areas located within the floodway of a flood of 100-year frequency, as defined by Title 76, chapter 5, or determined to be subject to flooding by the governing body;

(g) prescribe standards for:

(i) the design and arrangement of lots, streets, and roads;

(ii) grading and drainage;

(iii) subject to the provisions of 76-3-511, water supply and sewage and solid waste disposal that meet the:

(A) regulations adopted by the department of environmental quality under 76-4-104 for subdivisions that will create one or more parcels containing less than 20 acres; and

(B) standards provided in 76-3-604 and 76-3-622 for subdivisions that will create one or more parcels containing 20 acres or more and less than 160 acres; and

(iv) the location and installation of public utilities;

(h) provide procedures for the administration of the park and open-space requirements of this chapter;

(i) provide for the review of subdivision applications by affected public utilities and those agencies of local, state, and federal government identified during the preapplication consultation conducted pursuant to subsection (1)(q) or those having a substantial interest in a proposed subdivision. A public utility or agency review may not delay the governing body's action on the application beyond the time limits specified in this chapter, and the failure of any agency to complete a review of an application may not be a basis for rejection of the application by the governing body.

(j) when a subdivision creates parcels with lot sizes averaging less than 5 acres, require the subdivider to:

(i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights

from the land;

(ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or

(iii) reserve and sever all surface water rights from the land;

(k) (i) except as provided in subsection (1)(k)(ii), require the subdivider to establish ditch easements in the subdivision that:

(A) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;

(B) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and

(C) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.

(ii) Establishment of easements pursuant to this subsection (1)(k) is not required if:

(A) the average lot size is 1 acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, that adequately notifies potential buyers of lots that are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable; or

(B) the water rights are removed or the process has been initiated to remove the water rights from the subdivided land through an appropriate legal or administrative process and if the removal or intended removal is denoted on the preliminary plat. If removal of water rights is not complete upon filing of the final plat, the subdivider shall provide written notification to prospective buyers of the intent to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.

(1) require the subdivider, unless otherwise provided for under separate written agreement or filed easement, to file and record ditch easements for unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with

historic and legal rights;

(m) require the subdivider to describe, dimension, and show public utility easements in the subdivision on the final plat in their true and correct location. The public utility easements must be of sufficient width to allow the physical placement and unobstructed maintenance of public utility facilities for the provision of public utility services within the subdivision.

(n) establish whether the governing body, its authorized agent or agency, or both will hold public hearings;

(o) establish procedures describing how the governing body or its agent or agency will address information presented at the hearing or hearings held pursuant to 76-3-605 and 76-3-615;

(p) establish criteria that the governing body or reviewing authority will use to determine whether a proposed method of disposition using the exemptions provided in 76-3-201 or 76-3-207 is an attempt to evade the requirements of this chapter. The regulations must provide for an appeals process to the governing body if the reviewing authority is not the governing body.

(q) establish a preapplication process that:

(i) allows a subdivider to meet with the agent or agency, other than the governing body, that is designated by the governing body to review subdivision applications prior to the subdivider submitting the application;

(ii) requires, for informational purposes only, identification of the state laws, local regulations, and growth policy provisions, if a growth policy has been adopted, that may apply to the subdivision review process;

(iii) requires a list to be made available to the subdivider of the public utilities, those agencies of local, state, and federal government, and any other entities that may be contacted for comment on the subdivision application and the timeframes that the public utilities, agencies, and other entities are given to respond. If, during the review of the application, the agent or agency designated by the governing body contacts a public utility, agency, or other entity that was not included on the list originally made available to the subdivider, the agent or agency shall notify the subdivider of the contact and the timeframe for response.

(iv) requires that a preapplication meeting take place no more than 30 days from the date that the agent or agency receives a written request for a preapplication meeting from the subdivider; and

(v) establishes a time limit after a preapplication meeting by which an application must be submitted as provided in 76-3-604.

(2) In order to accomplish the purposes described in 76-3-501, the subdivision regulations adopted under 76-3-509 and this section may include provisions that are consistent with this section that promote cluster development.

(3) The governing body may establish deadlines for submittal of subdivision applications."

"

Renumber: subsequent sections

4. Page 8, following line 6.

Insert: "(3) Rules promulgated under subsection (2) may be enforced only by a local government body as provided in Title 76."

5. Page 8, following line 22.

Insert: "NEW SECTION. **Section 5. Purpose -- rulemaking.** (1) The purpose of [sections 5 and 6] is to provide specific rulemaking authority to the department of labor and industry for the purposes of 76-3-504(1)(e).

(2) By October 1, 2008, the department shall adopt rules identifying appropriate construction techniques that may be used by a local government in mitigation of identified fire hazards pursuant to 76-3-504(1)(e). Rules adopted under this section may not be construed to be part of the state building code as provided in 50-60-203. The adoption, amendment, or repeal of a rule under this section is of significant public interest for the purposes of 2-3-103."

Insert: "NEW SECTION. **Section 6. Enforcement.** Rules promulgated under [section 5] may be enforced only as provided in Title 76, chapter 3, part 5. The powers and duties for enforcement provided in 76-3-501 apply to rules adopted under [section 5] and do not apply to or include any rules adopted under Title 50, chapter 60, parts 1 through 8."

Insert: "NEW SECTION. **Section 7. Codification instruction.** [Sections 5 and 6] are intended to be codified as an integral part of Title 50, chapter 60, and the provisions of Title 50, chapter 60, apply to [sections 5 and 6]."

Renumber: subsequent section

- END -



HOUSE STANDING COMMITTEE REPORT

March 29, 2007

Page 1 of 2

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **Senate Bill 103** (third reading copy -- blue) be concurred in as amended.

Signed: *Walter McNutt*
Representative Walter McNutt, Chair

To be carried by Representative Sue Dickenson

And, that such amendments read:

1. Title, line 8.

Following: "~~REQUIRED~~,"

Insert: "CHANGING THOSE WHO MAY PETITION FOR CREATION, ANNEXATION, DIVISION, AND DISSOLUTION OF RURAL FIRE DISTRICTS FROM FREEHOLDERS TO REGISTERED VOTERS AND CHANGING THE PERCENTAGE OF PETITIONERS REQUIRED;"

2. Page 2, line 4 through line 6.

Strike: "THE OWNERS OF" on line 4 through "AREA" on line 6

Insert: "40% or more of the registered voters residing in the proposed district"

3. Page 2, line 17.

Strike: "REAL PROPERTY OWNER"

Insert: "registered voter residing"

4. Page 3, line 1.

Strike: "REAL PROPERTY OWNER"

Insert: "registered voter who resides"

5. Page 3, line 2.

Following: "district"

Insert: "and who owns parcels of land in the proposed district"

Strike: "OWNER'S"

Committee Vote:

Yes 16, No 0

Fiscal Note Required ____

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Insert: "voter's"

6. Page 6, line 29.

Strike: "REAL PROPERTY OWNERS OF"

Insert: "Registered voters residing in"

7. Page 7, line 1.

Strike: "MORE THAN 50%"

Insert: "40% or more"

8. Page 7, line 2.

Strike: "REAL PROPERTY OWNERS"

Insert: "registered voters"

9. Page 7, line 14.

Strike: "MORE THAN" through "OWNERS"

Insert: "40% or more of the registered voters"

10. Page 8, line 7 through line 9.

Strike: "THE OWNERS OF" on line 7 through "OWNERS IN" on line 9

Insert: "40% or more of the registered voters residing in"

11. Page 8, line 29 through line 30.

Strike: "THE OWNERS OF" on line 29 through "PROPERTY OWNERS" on line 30

Insert: "40% or more of the registered voters who reside"

12. Page 9, line 11 through line 12.

Strike: "A MAJORITY" on line 11 through "OWNERS OF" on line 12

Insert: "at least 40% of the registered voters residing in"

13. Page 9, line 28 through line 29.

Strike: "THE OWNERS OF" on line 28 through "PROPERTY OWNERS" on line 29

Insert: "40% or more of the registered voters residing"

14. Page 10, line 8 through line 9.

Strike: "THE OWNERS OF" on line 8 through "PROPERTY OWNERS OF" on line 9

Insert: "40% or more of the registered voters in"

15. Page 10, line 30 through page 11, line 1.

Strike: "THE OWNERS OF" on page 10, line 30 through "PROPERTY OWNERS OF THE" on page 11, line 1

Insert: "40% or more of the registered voters residing in the"

- END -



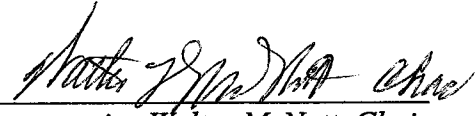
HOUSE STANDING COMMITTEE REPORT

March 29, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **Senate Bill 293** (third reading copy -- blue) be concurred in as amended.

Signed: 
Representative Walter McNutt, Chair

To be carried by Representative Chas Vincent

And, that such amendments read:

1. Page 2, line 15.

Strike: "RECREATIONAL"

Insert: "multiple"

2. Page 2, line 17.

Following: "with"

Insert: "local,"

Following: ","

Insert: ","

3. Page 2, line 28.

Following: "BUSINESSES"

Insert: "and individual activities"

4. Page 3, line 5.

Following: "WHICH"

Insert: "local and"


- END -

Committee Vote:

Yes 16, No 0

Fiscal Note Required ____

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3/29/07



HOUSE STANDING COMMITTEE REPORT

March 29, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **Senate Bill 200** (third reading copy -- blue) be concurred in.

Signed: _____

Walter McNutt
Representative Walter McNutt, Chair

To be carried by Representative Carol Lambert

- END -

Committee Vote:

Yes 16, No 0

Fiscal Note Required ____

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jbm
3/29/07




HOUSE STANDING COMMITTEE REPORT

March 29, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **Senate Bill 317** (third reading copy -- blue) be concurred in.

Signed: 
Representative Walter McNutt, Chair

To be carried by Representative Scott Mendenhall


- END -

Committee Vote:

Yes 16, No 0

Fiscal Note Required ____

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**AUTHORIZED
COMMITTEE PROXY**

I request to be excused from the Natural Resources

Committee because of other commitments. I desire to leave my proxy vote with:

Ron Erickson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

SB 370	X	
Title HB 754	X	

BILL/AMENDMENT

AYE NO

Rep. Betsy H. B.
(Signature)

Date 3/24

**AUTHORIZED
COMMITTEE PROXY**

I request to be excused from the Home Natural Resource Committee

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Gordon Herrick

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

[illegible][illegible]

Rep. Chas. Vincent
(Signature)

Date _____

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Natural Resources

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Gordon Hendrick

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 754 tabled	✓				
HB 370	✓				
Amendments					
SB 005103 ARL	✓				
SB 51	✓				
SB 010301	✓				
SB 703	✓				
SB 029301 A51	✓				
SB 293	✓				
SB 200	✓				
SB 317	✓				

Rep. Ralph Stewart
(Signature)

Date 3-28-07

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Natural Resources

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Gordon Hendrick

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

SB005103.0KI	✓	
SB 51	✓	
SB010301.0KI	✓	
SB 7031	✓	
SB029301.051	✓	
SB 293	✓	
SB 200	✓	
SB 317	✓	

BILL/AMENDMENT

AYE NO

Rep. Debbie Barnett
(Signature)

Date _____

**AUTHORIZED
COMMITTEE PROXY**

I request to be excused from the Natural Resources

Committee because of other commitments. I desire to leave my proxy vote with:

Ralph Hemert Rep. Gordon Hendrick

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

SB005103aK1	✓	
SB 51	✓	
SB010301	✓	
SB 51	✓	
SB010301aK1	✓	
SB 103	✓	
SB029301aK1	✓	
SB 293	✓	
SB 200	✓	
SB 317	✓	

BILL/AMENDMENT

AYE NO

Rep.

Scott Marshall
(Signature)

Date

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Net Res

Committee because of other commitments. I desire to leave my proxy vote with:
Ron Ecker

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
SB 5/amend	X				
SB 51	X				
SB 103 amend	X				
SB 103	X				
SB 293 amend	X				
SB 293 "	X				
LB 200	X				
SB 317	X				

Rep. [Signature]
(Signature)

Date 12/28

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Nat Fed

Committee because of other commitments. I desire to leave my proxy vote with:

Ron Erickson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

SB 51 Amend	X	
SB 51	X	
SB 103 amend	X	
SB 103	X	
SB 293 amend	X	
SB 293	X	
SB 700	X	
SB 317	✓	

Rep.

Joe Koverman
(Signature)

Date

3/28

**Montana House of Representatives
Visitors Register**

NATURAL RESOURCES COMMITTEE

Date 3-28-07

SB 365; SB 370;
Bill No. SJR 20; HB 754 Sponsor(s) Sen. Story; Sen. Tash; Sen. Cooney;
Rep. Barrett

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Name and Address	Representing	Support	Oppose	Inf.
Janet Ellis	MT Audubon		HB 754	
Janet Ellis	"	SJR 20		
Megan Rodolinsky	— citizen	SJR 20		
Bob Andreozzi	Andreozzi Forestry	SJR 20		
Emily Tafogg	Natl Carbon Offset Coalition	SJR 20		
Carol Dodge	Natl Carbon Offset Coalition	SJR 20		
Mark Lambrecht	PPL MT	SJR 20		
Mary "Marty" Phiggen	MT Assn. CLCs of Dist 1	SB 365		
Stan Bradshaw	Wentworth Limited	SB 370		
Mike Murphy	MWRA	SB 365 SB 370		
STEVE PILCHER	MT Stock growers	SB 365 SB 370		
Peter Marchin	Self (water conservation)	SB 365		
Mark Angeles	MT Trout Unlimited	SB 370 SJR 20		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.